

REMARKS

Applicant has amended claims 47, 51, 60, and 62. Claims 33-51 and 53-62 are pending and under examination. Applicant respectfully traverses the rejection of claims 47, 51, and 60-62 under 35 U.S.C. § 101, and the rejection of claims 33, 35-45, 47-49, 51, 53, 54, and 56-62 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0055738 (“*Alie*”).

Rejection under 35 U.S.C. § 101:

In response, and without conceding to the Office Action’s rejection, Applicant has amended claims 47 and 51 to recite a “non-transitory computer-readable medium,” and amended claims 60 and 62 to recite a “hardware computer peripheral device.” These amendments overcome the 35 U.S.C. § 101 rejection and Applicant respectfully requests its withdrawal.

Rejection under 35 U.S.C. § 102(b):

Applicant requests reconsideration and withdrawal of the rejection of claims 33, 35-45, 47-49, 51, 53, 54, and 56-62 under 35 U.S.C. § 102(b) as being anticipated by *Alie*.

In order to establish anticipation under 35 U.S.C. § 102, the Office Action must show that each and every element as set forth in the claim is found, either expressly or inherently described, in *Alie*. See M.P.E.P. § 2131. *Alie*, however, does not disclose each and every element of Applicant’s claims. Specifically, as discussed in the Amendment filed April 29, 2010, *Alie* does not disclose at least the following features recited in claim 33:

performing a first, SIM-based authentication of the user’s data processing terminal in the data processing system at an authentication data processing server, said performing the SIM-based authentication comprising operatively associating with the user’s data processing terminal a first subscriber identity module issued to the data processing terminal user;

conditioning the authentication of the user’s data processing terminal in the data processing system to a second authentication,

said second authentication being based on identification information provided to the user at the mobile communication terminal through the mobile communication network using a second subscriber identity module. (Emphases added, independent claims 44, 48, 53, and 60 containing similar recitations.)

In the “Response to Arguments” section, the Office Action alleged that *Alie*’s smart card (hardware secure module) with encryption keys that calculates a response using ID code constitutes claimed “first subscriber identity module.” See Office Action, page 3, lines 4-6. The Office Action then alleged that either the same hardware secure module “with encryption keys for processing information and calculating the response” or “an interface for displaying information and prompting the end user for the identification code (PIN) and means for inputting the identification code” constitutes the claimed “second subscriber identity module.” Office Action, page 3, lines 8-11 (it is not clear from the Office Action which one of the above two entities is referred to when discussing the disclosure of the “second subscriber identity module”). If the Office Action refers to the “hardware secure module,” it is clear that such hardware secure module would be the same device the Office Action alleged as the “first subscriber identity module.” If, on the other hand, the Office Action refers to the “interface” and/or “means for inputting the identification code,” Applicant points out that neither of the two entities constitutes the claimed “second subscriber identity module” at least because they are merely input/output devices that facilitate the authentication performed by the “hardware secure module.” They cannot perform any authentication process by themselves.

Moreover, the Office Action alleged *Alie*’s “approving the transaction” discloses the claimed “second authentication.” Office Action, page 3, lines 11-12. This is incorrect. First, such “approving” is in response to the input ID code, which is part of the authentication process performed by the “hardware secure module,” not a separate authentication. Second, the “approving” is clearly not performed by the inputting means, therefore cannot constitute “said

second authentication being based on identification information provided to the user at the mobile communication terminal through the mobile communication network using a second subscriber identity module,” as recited in claim 33 (emphases added).

Therefore, *Alie* discloses only one SIM used in a user’s personal mobile device. *See Alie*, Figs. 12-14. *See also Alie*, paragraph [0092]. The SIM in *Alie*’s system is only provided in the mobile handset (*see Alie*, Fig. 12, reference number 1205 and 1204) and there is only one authentication process between the server and the mobile handset using the SIM. *See Alie*, Figs. 6, 7a, 7b, and 8. Thus, *Alie* does not disclose or suggest the claimed “a second subscriber identity module” and/or “a second authentication,” as recited in amended claim 33 (and similarly in claims 44, 48, 53, and 60).

Since *Alie* does not disclose each and every element of independent claim 33, *Alie* does not anticipate Applicant’s independent claim 33 under 35 U.S.C. § 102(b). Therefore, independent claim 33 should be allowable over *Alie*. Independent claims 44, 48, 53, and 60, while of different scope, contain similar recitations as independent claim 33, and should also be allowable for at least the same reasons as independent claim 33. In addition, dependent claims 35-43, 45, 47, 49, 51, 54, 56-59, 61, and 62 should also be allowable at least by virtue of their respective dependence from independent claim 33, 44, 48, 53, or 60, and because they recite additional features not disclosed in *Alie*. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Regarding the Objection to Claims 34, 46, 50, and 55

As discussed above, independent claims 33, 44, 48, and 53 should be allowable over *Alie*. Therefore, claims 34, 46, 50, and 55, dependent from independent claims 33, 44, 48, and 53, respectively, should also be allowable. Accordingly, Applicant respectfully requests withdrawal of the objection.

Conclusion:

Applicant requests reconsideration of the application and withdrawal of the rejections and objection. Pending claims 33-51 and 53-62 are in condition for allowance, and Applicant requests a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicant declines to automatically subscribe to any such statements or characterizations.

If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 26, 2011

By: 

David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/